(16)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.(C.)No.1410 of 2007

Appellant Claimant — Sanjay Deshmukh S/o T.S. Deshmukh, Age about 30 years, R/o Village-Samoda, Post-Karanja, Bhilai, Tahsil and District-Durg (C.G.)

versus

Respondents (Driver & Owner)

1. Mehul Solanki S/o Kanti Bhai Solanki, Aged about 30 years, R/o Plot No.125, Arya Nagar, Tahsil & District Durg (C.G.)

(Insurer)

2. The National Insurance Company Limited, Registered & Main Office-3 Midilte Street, Post Box No.9229, Kolkata, (W.B.) 700 071, C/o Branch Manager, Branch Office Bhilai Tahsil & District Durg (C.G.) & Divisional Manager, Divisional Office, Akash Ganga Parisar, Supela, Tahsil & District Durg (C.G.)

Appeal under Section 173 of Motor Vehicles Act, 1988

Present : Shri Santosh Sahu, counsel for the appellant.

ORAL ORDER
(Passed on 7th December, 2007)

Heard on I.A.No.1 of 2007 for condonation of delay of 396 days in filing this appeal.

In paragraph-2 of the application, the appellant has mentioned as under:-

> "That the appellant was physically ill so that could not manage to file the appeal within limitation before the Hon'ble Court."

Neither any medical certificate has been filed nor any dates have been given. It appears from the certified copy of the order dated 05-08-2006 that it was applied for the first time on 22-06-2007. No sufficient ground for condonation of delay of 396 days in filing this appeal exists.

Accordingly, the application i.e., I.A.No.1 of 2007 for condonation of delay is dismissed. As a result, the miscellaneous appeal also stands dismissed as barred by limitation.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane